

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re REFCO INC. SECURITIES LITIGATION

Case No. 07-MD-1902 (JSR)

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This Document Relates to:

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KENNETH M. KRYS, et al.,

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Case No. 08-CV-3065 (JSR)

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Plaintiffs,

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Case No. 08-CV-3086 (JSR)

:

-against-

:

:

CHRISTOPHER SUGRUE, et al.,

:

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Defendants.

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**DECLARATION OF JAMES J. CAPRA, JR. IN SUPPORT
OF PRICEWATERHOUSECOOPERS LLP'S MOTION TO STRIKE
EXPERT OPINIONS RELATING TO DISMISSED CLAIMS**

James J. Capra, Jr., an attorney duly admitted to practice in the State of New York,
hereby affirms under penalty of perjury:

1. I am a member of the law firm of King & Spalding LLP, attorneys for Defendant PricewaterhouseCoopers LLP ("PwC"). I submit this declaration in support of PwC's motion to strike the opinions of two of plaintiffs' experts—R. David Wallace and I. Michael Greenberger—that address PwC's liability on claims that have been dismissed with prejudice.

2. Attached as Exhibit 1 is a copy of the Corrected Expert Report of Findings and Opinions of R. David Wallace (without its accompanying exhibits), issued June 29, 2012 and corrected on July 20, 2012.

3. Attached as Exhibit 2 is a copy of the Expert Report of I. Michael Greenberger (without its accompanying exhibits), dated June 29, 2012.

4. Attached as Exhibit 3 is a copy of the Affidavit of R. David Wallace (without its accompanying exhibits), dated September 6, 2011, which is incorporated by reference by Mr. Wallace in his expert report (¶ 435).

Dated: New York, New York
August 7, 2012


James J. Capra, Jr.